



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent and Trademark Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/762,979
Filing Date	Jan 23/04
First Named Inventor	John E. Remmers
Art Unit	3743
Examiner Name	Teena Mitchell
Attorney Docket Number	003-51CIP

Sheet 1 of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 3,889,671	6/1975	Baker	
		US- 5,109,839	5/1992	Blasdell et al.	
		US- 5,503,146	4/1996	Froehlich et al.	
		US- 5,537,997	7/1996	Mechlenburg et al.	
		US- 5,540,219	7/1996	Mechlenburg	
		US- RE35,339	10/1996	Rapoport	
		US- 5,560,354	10/1996	Berthon-Jones et al.	
		US- 5,572,993	11/1996	Kurome et al.	
		US- 5,598,838	2/1997	Servidio et al.	
		US- 5,605,151	2/1997	Lynn	
		US- 5,645,053	7/1997	Remmers et al.	
		US- 5,657,752	8/1997	Landis et al.	
		US- 5,682,878	11/1997	Ogden	
		US- 5,687,715	11/1997	Landis et al.	
		US- 5,694,923	12/1997	Hete et al.	
		US- 5,740,795	4/1998	Brydon	
		US- 5,752,510	5/1998	Goldstein	
		US- 5,794,615	8/1998	Estes	
		US- 5,803,066	9/1998	Rapoport et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EP o788805 A2	8/1997	Froelich		
		WO 98/12965	4/1998	Berthon-Jones		
		WO 99/61088	12/1999	Berthon Jones		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

4

Complete if Known

Application Number	10/762,979
Filing Date	Jan 23/04
First Named Inventor	John E. Remmers
Art Unit	3743
Examiner Name	Teena Mitchell
Attorney Docket Number	003-51CIP

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,865,173	2/1999	Froehlich	
		US- 5,895,360	4/1999	Christopherson	
		US- 5,906,203	5/1999	Kockseth et al.	
		US- 5,944,680	8/1999	Christopherson et al	
		US- 5,947,115	9/1999	Lordo et al.	
		US- 5,970,975	10/1999	Estes et al.	
		US- 6,000,396	12/1999	Melker et al.	
		US- 6,012,455	1/2000	Goldstein	
		US- 6,015,388	1/2000	Sackner et al.	
		US- 6,029,660	2/2000	Calluad et al.	
		US- 6,029,665	2/2000	Berthon-Jones	
		US- 6,041,780	3/2000	Richard et al.	
		US- 6,085,747	7/2000	Axe et al.	
		US- 6,091,973	7/2000	Colla et al.	
		US- 6,099,479	8/2000	Christopherson et al	
		US- 6,105,575	8/2000	Estes et al.	
		US- 6,123,082	9/2000	Berthon-Jones	
		US- 6,126,657	10/2000	Edwards et al.	
		US- 6,135,106	10/2000	Dirks et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 3

of 4

Complete if Known

Application Number	10/762,979
Filing Date	Jan 23/04
First Named Inventor	John E. Remmers
Art Unit	3743
Examiner Name	Teena Mitchell
Attorney Docket Number	003-51CIP

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,213,119	4/2001	Brydon et al.	
		US- 6,238,351	5/2001	Orr et al.	
		US- 6,269,811	8/2001	Duff et al.	
		US- 6,286,508	9/2001	Remmers et al.	
		US- Rapoport et al.	10/2001	Rapoport et al.	
		US- 6,336,454	1/2002	Farrell et al.	
		US- 6,345,619	2/2002	Finn	
		US- 6,349,724	2/2002	Burton et al.	
		US- 6,360,741	3/2002	Truschel	
		US- 6,363,933	4/2002	Berthon-Jones	
		US- 6,367,474	4/2002	Berthon-Jones et al.	
		US- 6,374,824	4/2002	Thornton	
		US- 6,397,845	6/2002	Burton	
		US- 6,398,739	6/2002	Sullivan et al.	
		US- 6,427,689	8/2002	Estes et al.	
		US- 6,435,181	8/2002	Jones et al.	
		US- 6,467,483	10/2002	Kopacko et al.	
		US- 6,532,959	3/2003	Berthon-Jones	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	10/762,979
		Filing Date	January 23, 2004
		First Named Inventor	John E. Remmners
		Art Unit	3743
		Examiner Name	Teena Mictchell
Sheet 4	of 4	Attorney Docket Number	003-51CIP

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Xie, et al(1997) "Effect of Inhaled CO2 and Added Dead Space on Idiopathic Central Sleep Apnea", American Physiological Society; p 918-926.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.